

OFFICE OF THE CLERK
UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT

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NOTICE OF ADOPTION OF AMENDMENTS TO
INTERNAL OPERATING PROCEDURES

On February 19, 2004, this court issued notice of proposed, minor amendments to its Internal Operating Procedures. The purpose of these amendments is to update the Internal Operating Procedures to reflect current practice or statutory requirements, to correct citations, and to provide additional information. The comment period has expired, and the court did not receive any comments.

The court hereby provides notice that it adopts the proposed amendments effective immediately. The amended provisions immediately follow. The full text of the court's Internal Operating Procedures, incorporating these amendments, is available on the court's website at www.ca1.uscourts.gov.

June 23, 2004

Richard Cushing Donovan

Internal Operating Procedure III. Initial Procedures

A. Appeals, Petitions for Review and Fees. In cases appealed from the district court the notice of appeal is filed in the district court in accordance with the Fed. R. App. P. and the \$255.00 combined docketing and filing fees are paid to the district court clerk. In administrative agency cases and petitions for mandamus, the \$250.00 docketing fee is paid to the Clerk of the Court of Appeals at the time the petition is filed in the Court of Appeals.

Internal Operating Procedure IV. Docketing Procedures

C. Briefing. Upon the filing of the record on appeal, including any transcripts required to complete the record, the Clerk's Office sends to counsel a notice advising appellant of the filing dates for the brief and the appendix. After the brief for appellant is filed, the Clerk's Office likewise gives notice to the appellee.

Internal Operating Procedure V. Motion Procedures

A. General. In accordance with Fed. R. App. P. 27(d) (3), all motions must be accompanied by 3 copies, and a proof of service showing the type of service that was made, i.e., by mail or by hand delivery. The date of service establishes the due date for filing the response per Fed. R. App. P. 27(a)(3).

B. Processing. All motions must be filed with the clerk. The single judge matters are transmitted to a single judge and the matters calling for three judge action are transmitted to a three judge panel. The motion judge and the motion panel duties are rotated among the judges of this Court. All motions are decided without oral argument, unless the Court orders otherwise. The motions are submitted to the Court after the return times provided in the Fed. R. App. P. have run except for (1) routine procedural motions which are usually processed forthwith, and (2) emergency motions which may be handled on an expedited basis.

C. Emergencies. If counsel anticipates that a matter may arise requiring emergency action by the court outside of ordinary business hours, the court's local rules advise counsel to contact the Clerk's Office at the earliest opportunity to discuss the matter. Depending on the circumstances, the Clerk's Office, in consultation with the duty judge and the Staff Attorney's Office, may make special arrangements for after hours filings and responses, issuance of orders after hours, and similar matters. Counsel are further advised that in all emergency matters, whether or not action outside of ordinary business hours is required, the process is facilitated if counsel contacts the Clerk's Office in advance and the motion seeking expedited relief clearly indicates the date by which a ruling is requested and the reasons supporting expedition.

Internal Operating Procedure VI. Briefs and Appendices

A. General. The court's website, www.ca1.uscourts.gov, contains guidelines and a checklist to assist counsel in preparing briefs. Counsel are advised that any brief that does not conform to the requirements of the rules may be rejected.

Internal Operating Procedure VIII. Oral Argument

E. Recording. Oral arguments in all cases are digitally recorded for the use of the Court and are not part of the permanent record of the case. A disk copy of the recording of an oral argument may be obtained by submitting a request in writing to the Clerk with a check for \$20.00.

Internal Operating Procedure XI. Complaints Against Judges

The procedure for filing complaints against judges is set forth in the Rules of the Judicial Council of the First Circuit Governing Complaints of Judicial Misconduct or Disability. A copy of these Rules may be obtained from the Clerk of this Court.

Office of the Clerk
U.S. Court of Appeals for the First Circuit
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